

08-04-05

*DP*

Express Mail No. EV518899089US

PATENT  
Attorney Docket No. 29912.711.401

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Leonard Kowalsky, et al.

Application No.: 10/798,728

Filed: March 10, 2004

For: **SYSTEM AND METHOD TO  
EFFECT THE MITRAL VALVE  
ANNULUS OF A HEART**

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)  
) Group Art Unit: 3738  
)  
) Examiner: Suzette Jaime J. Gherbi  
)  
) Confirmation No. 5010  
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**RESPONSE TO NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box: Issue Fee

Sir:

In response to the Notice of Draftsperson's Patent Drawing Review mailed June 23, 2005, enclosed are 5 sheets of replacement formal drawings for the above referenced case.

Also enclosed is a copy of the Notice of Allowability and a copy of the PTO-948 form.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account No. 23-2415 (29912-711.401). Should the Examiner have any questions regarding this matter, please contact the undersigned attorney.

Respectfully submitted,

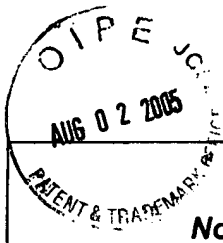
Date: August 2, 2005

By:

*Maya Skubatch*  
\_\_\_\_\_  
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Notice of Allowability

Application No.	Applicant(s)	
10/798,728	KOWALSKY ET AL.	
Examiner	Art Unit	
Suzette J Gherbi	3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE and IDS filed 3/11/05.
2. ☒ The allowed claim(s) is/are 12-15,20-24 and 27.
3. ☒ The drawings filed on 10 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date 1/26/05 | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                       | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

*Suzette J Gherbi* 6/6/05

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 3-10-04 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

BEST AVAILABLE COPY

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

Color drawings are not acceptable until petition is granted. Fig(s)

Pencil and non black ink not permitted. Fig(s)

2. PHOTOGRAPHS. 37 CFR 1.84(b)

One (1) full-tone set is required. Fig(s)

Photographs may not be mounted. 37 CFR 1.84(c)

Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s)

Poor quality (half-tone). Fig(s)

3. TYPE OF PAPER. 37 CFR 1.84(e)

Paper not flexible, strong, white, and durable.

Fig(s)

Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted.

Fig(s)

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

All drawing sheets not the same size.

Sheet(s)

Drawings sheets not an acceptable size. Fig(s)

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

Margins not acceptable. Fig(s)

Top (T)

Left (L)

Right (R)

Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings must likewise be changed.

Views not labeled separately or properly.

Fig(s)

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

Sectional designation should be noted with Arabic or Roman numbers. Fig(s)

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s)

9. SCALE. 37 CFR 1.84(k)

Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s)

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s)

11. SHADING. 37 CFR 1.84(m)

Solid black areas pale. Fig(s)

Solid black shading not permitted. Fig(s)

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

Numbers and reference characters not plain and legible. Fig(s)

Figure legends are poor. Fig(s)

Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s)

English alphabet not used. 37 CFR 1.84(p)(2) Fig(s)

Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s)

13. LEAD LINES. 37 CFR 1.84(q)

Lead lines missing. Fig(s)

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(i)

Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s)

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s)

16. DESIGN DRAWINGS. 37 CFR 1.152

Surface shading shown not appropriate.

Fig(s)

Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s)

COMMENTS:

Reviewer S. Fultz

If you have questions, call (703) 305-8404.

Date 6-7-05Attachment to Paper No. 1

Best Available Copy

29912.711.401